



# CIVIL LAW TIDBITS

One Page  
One Topic

A Monthly Info Sheet

374 AW/JAC

JUNE 1997

## Civil Law

### What do we do?

An easy definition: If it's not Military Justice or Claims, it's handled by Civil Law.

JOB #1: Administrative Discharges

#### Other Responsibilities:

Barments/Warning Letters

Suspension/Revocation of AAFES or

Commissary Privileges

Front Desk Duties - Powers of

Attorney and Notaries

Legal Assistance

Preventive Law

Labor Law

Legal Reviews of:

FOIA/Privacy Act requests

EOT Complaints

Demotions

Security Incidents/Violations

Commercial Sponsorships

Suspensions/Revocations of

Driving Privileges

Line of Duty Determinations

Private Organization Activities

"Cats & Dogs" (Is it legal?)

#### CIVIL LAW STAFF

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## ARE YOU PREPARED TO DEPLOY?

As members of the military, our first, and most crucial, objective is readiness. If we are called to deploy, we must be ready to serve without distraction or interruption. As a part of the readiness equation, the Civil Law Office has listed some important questions each member must consider in his/her deployment preparation:

1. Do You Have a Will? - Before deploying, all military members should have a will that accurately represents their current wishes for disposition of all their property in the event of death. Intended beneficiaries may not receive portions of the decedent's assets if they are not named in a legally enforceable will. To avoid an undesirable disposition, be sure to express your current intent in a will before you deploy. If you do not record how you want your assets to be distributed, state laws of "intestacy" will dictate the division of your estate and an unfavorable distribution may result.

2. Do You Have a Living Will (Health Care Directive)? - The living will is actually not a will at all; rather, it is a legal document whereby you instruct medical personnel to withhold or withdraw artificial life support in the event you become terminally ill and incompetent to make life support decisions. Your predetermined decision guides health care professionals and family members in administering

terminal health care. For example, living wills often contain "Do Not Resuscitate" (DNR) orders. A DNR indicates to health care professionals your wish not be revived if you slip into a "vegetative", brain dead, or otherwise irretrievable medical state.

3. Do You Have a Current and Accurate Life Insurance Policy? - Life insurance is a contract between you and the company, and is a vehicle by which money and other assets can be paid directly to your beneficiaries, without the expense and delay of probating a will. Beneficiaries should be named specifically in your life insurance policy, rather than directing the proceeds to your estate. When proceeds are directed to your estate, this increases the risk that your intended beneficiaries will not receive the money and assets you intended to distribute to them.

4. Have You Executed Powers of Attorney? - Each military member must maintain a current schedule of all transactions, financial or otherwise, that require his/her authority, signature and/or participation. Matters such as payment of rent, utilities, credit card bills, the sale of an automobile, and acceptance of government housing may require attention in your absence. A Power of Attorney authorizes another individual to handle these matters on your behalf. Please note, although a General Power of Attorney grants more

**374 AW/JAC****JUNE 1997****GOALS:**

We in Civil Law constantly strive to give our customers the best service possible. The following is an evolving list of goals that Civil Law strives to attain:

1. 90% of notification for admin. discharge cases processed within 15 days.
2. Reduce the days between incident date and initiation for discharges.
3. Prepare admin. discharge booklet for Commanders and First Sergeants.
4. Publish monthly Civil law info sheet.
5. Meeting general suspense's, legal reviews/opinions; Goal - 85%
6. Prepare barment/warning letter within 2 days of receiving report; Goal - 100%
7. Appeals of barment - response within 2 days of receipt; Goal - 100%

We will maintain quality service while reaching these goals.

**Con't from Front**

Leave and Earnings Statements, can only be accomplished with a Special Power of Attorney. Special Powers of Attorney grant the holder the right to act on behalf of the issuer on a specific matter rather than a range of matters.

5. Are You Aware of the Off-Limits Areas of Your Destination? - Military members often deploy to areas of the world that contain off-limits areas. These areas are off-limits to all U.S. military service members. Members are subject to disciplinary action if found in off-limits areas. You should be briefed on these areas prior to deploying. If there is any question whether a location or establishment is off-limits, do not enter the area. Always inquire about off-limits areas before you venture off-base.

6. Do You Know the Laws of Your Host Jurisdiction? - The military is a global operation. Military members are deployed around the world to a variety of countries. Many of these countries have vastly different legal systems than the United States. If you commit a crime outside of a U.S. installation, you may be subject to local jurisdiction. Although U.S. authorities may petition to handle your case internally, the host country is not obligated to waive jurisdiction. Many foreign governments are increasingly reluctant to waive jurisdiction in cases where one of their own nationals is injured. For these reasons, it is important to understand the laws of your host jurisdiction.

7. Are You Properly Immunized and Aware of Applicable Public Health Concerns? - When deploying to a foreign country, it is important to make sure you are properly immunized. Also, you should consult with a representative of the medical group to discuss any public health concerns of the host country. Once notified of a deployment or a potential deployment, you should bring your shot record to the medical personnel who administer immunizations. It is important to update your immunization records at least a week before you deploy because of the possibility of adverse physical reaction to the immunization.

Preparing for deployment is the responsibility of each military member. Individual readiness adds to the success and efficiency of every mission. Representatives of the Base Legal Office are available to assist you with your deployment preparation. For additional information or a deployment readiness checklist, please visit the Base Legal Office.

1<sup>st</sup> Lt. Timothy J. Pastore, Chief,  
Preventive Law

**DON'T FORGET - WE ARE HERE TO SERVE YOU.  
IF YOU HAVE QUESTIONS, DON'T HESITATE TO CALL!**